

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE JUUL LABS, INC., MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION**

**Case No. 3:19-md-02913-WHO**

## **Honorable William H. Orrick**

## **This Document Relates to:**

## **JURY TRIAL DEMANDED**

Robert C. Triplett

**SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL  
(PERSONAL INJURY)**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of Actions specific to this case.<sup>1</sup>

Plaintiff, by and through their undersigned counsel, allege as follows:

<sup>1</sup> If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

1 **I. DESIGNATED FORUM<sup>2</sup>**

- 2 1. Identify the Federal District Court in which the Plaintiff would have filed in the  
3 absence of direct filing:

4 **The United States District Court for the Northern District of West Virginia.**

5 (“Transferee District Court”).

6 **II. IDENTIFICATION OF PARTIES**

7 **A. PLAINTIFF(S)**

- 8 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:

9 **Robert C. Triplett**

10 (“Plaintiff”).

- 11 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:

12 **1084 Shumaker Road, Buckhannon, WV 26201**

- 13 4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of  
14 consortium:

15 **Not applicable**

16 (“Consortium Plaintiff”).

- 17 5. *Survival and/or Wrongful Death Claims*:

- 18 (a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL  
19 related death:

20 **Not applicable**

- 21 (b) Plaintiff/Decedent died on:

22 **Not applicable**

- 23 (c) Plaintiff is filing this case in a representative capacity as the **Not applicable** of  
24 the **Not applicable** having been duly appointed as such by the Court of **Not  
25 applicable**.

28 \_\_\_\_\_  
29 <sup>2</sup> See Case Management Order No. 3, at II(C) (ECF No. 309).

1           **B.        DEFENDANT(S)**

2       6. Plaintiff(s) name(s) the following Defendants in this action

- 3
- 4            JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;<sup>3</sup>
- 5            ALTRIA GROUP, INC.;<sup>4</sup>
- 6            PHILIP MORRIS USA, INC.;<sup>5</sup>
- 7            ALTRIA CLIENT SERVICES LLC;<sup>6</sup>
- 8            ALTRIA GROUP DISTRIBUTION COMPANY;<sup>7</sup>
- 9            ALTRIA ENTERPRISES LLC;<sup>8</sup>

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11           **THE MANGEMENT DEFENDANTS**

- 12            JAMES MONSEES;<sup>9</sup>
- 13            ADAM BOWEN;<sup>10</sup>
- 14            NICHOLAS PRITZKER;<sup>11</sup>
- 15            HOYOUNG HUH;<sup>12</sup>
- 16            RIAZ VALANI;<sup>13</sup>

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<sup>3</sup> Delaware corporation, with its principal place of business in San Francisco, California.

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<sup>4</sup> Virginia corporation, with its principal place of business in Richmond, Virginia.

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<sup>5</sup> Virginia corporation with its principal place of business in Richmond, Virginia.

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<sup>6</sup> Virginia limited liability company with its principal place of business in Richmond, Virginia.

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<sup>7</sup> Virginia corporation with its principal place of business in Richmond, Virginia.

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<sup>8</sup> Virginia limited liability company with its principal place of business in Richmond, Virginia.

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<sup>9</sup> A resident of California.

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<sup>10</sup> A resident of California.

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<sup>11</sup> A resident of California.

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<sup>12</sup> A resident of California.

<sup>13</sup> A resident of California.

1                   **THE E-LIQUID MANUFACTURING DEFENDANTS**

- 2                    MOTHER MURPHY'S LABS, INC.;<sup>14</sup>  
3                    ALTERNATIVE INGREDIENTS, INC.;<sup>15</sup>  
4                    TOBACCO TECHNOLOGY, INC.;<sup>16</sup>  
5                    eLIQUITECH, INC.;<sup>17</sup>

6                   **THE DISTRIBUTOR DEFENDANTS**

- 7                    MCLANE COMPANY, INC.;<sup>18</sup>  
8                    EBY-BROWN COMPANY, LLC;<sup>19</sup>  
9                    CORE-MARK HOLDING COMPANY, INC.;<sup>20</sup>

10                  **THE RETAILER DEFENDANTS**

- 11                   CHEVRON CORPORATION;<sup>21</sup>  
12                   CIRCLE K STORES INC.;<sup>22</sup>  
13                   SPEEDWAY LLC;<sup>23</sup>  
14                   7-ELEVEN, INC.;<sup>24</sup>

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<sup>14</sup> North Carolina corporation, with a principal place of business in North Carolina.

16                  <sup>15</sup> North Carolina corporation, with a principal place of business in North Carolina.

17                  <sup>16</sup> Maryland corporation, with a principal place of business in Maryland.

18                  <sup>17</sup> Maryland corporation, with a principal place of business in Maryland.

19                  <sup>18</sup> Texas corporation with a principal place of business in Texas.

20                  <sup>19</sup> Delaware limited liability company with a principal place of business in Illinois.

21                  <sup>20</sup> Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

22                  <sup>21</sup> Delaware corporation with a principal place of business in California.

23                  <sup>22</sup> Texas corporation with a principal place of business in Arizona.

24                  <sup>23</sup> Delaware corporation with a principal place of business in Ohio.

25                  <sup>24</sup> Texas corporation with a principal place of business in Texas.

1                    WALMART;<sup>25</sup>

2                    WALGREENS BOOTS ALLIANCE, INC.<sup>26</sup>

3                   **C. PRODUCT USE**

- 4                   7. Plaintiff used JUUL during the time period including from **April, 2017 to April 14, 2021** and that use caused and or substantially contributed to his/her injury.

5                   **D. PHYSICAL INJURY<sup>27</sup>**

- 6                   8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged  
7                   to have been caused and or contributed to as a substantial factor by JUUL:

8                    ADDICTION

9                    NICOTINE POISONING

10                   BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

11                   ANGER/OUTBURSTS

12                   MOOD SWINGS

13                   IRRITABILITY

14                   SUICIDAL THOUGHTS

15                   SUICIDAL ATTEMPTS

16                   DEATH BY SUICIDE

17                   OTHER (specify): depression; anxiety; anti-social personality; panic  
18                    attacks; malnourishment

19                   COGNITIVE ISSUES (check all that apply):

20                   ATTENTION DEFICIT DISORDER

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22                  <sup>25</sup> Delaware corporation with a principal place of business in Arkansas.

23                  <sup>26</sup> Delaware corporation with a principal place of business in Illinois.

24                  <sup>27</sup> Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not  
25                  required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged  
26                  which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes  
27                  that emotional and psychological damages are asserted by the Plaintiff.

- 1            LEARNING IMPAIRMENTS  
2            LACK OF CONCENTRATION  
3            TROUBLE SLEEPING  
4            OTHER (specify): \_\_\_\_\_

- 5            CARDIOVASCULAR (check all that apply):  
6            HEART ATTACK  
7            OTHER CARDIOVASCULAR DIAGNOSIS (specify)  
\_\_\_\_\_

- 8            NEUROLOGIC (check all that apply):  
9            SEIZURES  
10           STROKE

- 11           RESPIRATORY/LUNG (check all that apply):  
12           ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY  
13           EOSINOPHILIA  
14           ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA  
15           ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)  
16           ASTHMA  
17           BRONCHITIS  
18           CHRONIC LUNG PROBLEMS  
19           CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)  
20           E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG  
21           INJURY (EVALI)  
22           ESPHYSEMA  
23           LIPOID PNEUMONIA  
24           LUNG TRANSPLANT  
25           OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE  
26           PNEUMONIA (any type) (specify): \_\_\_\_\_  
27           POPCORN LUNG/BRONCHIOLITIS OBLITERANS  
28           DEATH  
29           OTHER PERSONAL INJURIES (specify): chronic cough

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9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about:  
 April, 2017 to April 14, 2021.

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5 **CAUSES OF ACTION ASSERTED**

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10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master*  
*Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated*  
*Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

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Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY -NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below <b>West Virginia Code § 46A-6-101, et seq. and including – but not limited to – sections § 46A-6-104 and § 46A-6-102(m).</b>
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

1 **VI. ADDITIONAL CAUSES OF ACTION**2                   **NOTE**

3 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the  
 4 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying  
 5 with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may  
 attach additional pages to this *Short-Form Complaint*.

7                   11. Plaintiff(s) assert(s) the following additional theories against the Defendants  
 8 designated in paragraph 6 above:

9                   **Negligent Marketing**

10                  **Violation of Statute per West Virginia Code § 55-7-9**

11                  **Tort of Outrage**

12                  **Negligent and Reckless Misconduct**

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 18                  **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for  
 19 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries  
 20 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together  
 21 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and  
 22 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*  
 23 *Consolidated Master Complaint (Personal Injury)*.  
 24

## **JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

**By counsel,**

/s/ C. Edward Amos, II

Scott S. Segal (WV Bar #4717)  
C. Edward Amos, II (WV Bar #12362)

**THE SEGAL LAW FIRM**

A Legal Corporation

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